

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

	X	
	:	
MERCK SHARP & DOHME CORP.,	:	
	:	C.A. No. 1:18-cv-00196-MN
Plaintiff,	:	
	:	
v.	:	
	:	
MYLAN LABORATORIES LIMITED,	:	
	:	
Defendant.	:	
	X	

CONSENT JUDGMENT

Merck Sharp & Dohme Corp. (hereinafter “Merck”) and Mylan Laboratories Limited, (hereinafter “Mylan”), the parties in the above-captioned action, have agreed to terms and conditions representing a negotiated settlement of the action and have set forth those terms and conditions in a Settlement Agreement (the “Settlement Agreement”). Now the parties, by their respective undersigned attorneys, hereby stipulate and consent to entry of judgment and an injunction in the action, as follows:

IT IS this 15th day of July, 2019:

ORDERED, ADJUDGED AND DECREED as follows:

1. This District Court has jurisdiction over the subject matter of the above action and has personal jurisdiction over the parties.

2. As used in this Consent Judgment, (i) the term “Mylan Product” shall mean the drug product sold, offered for sale or distributed pursuant to Abbreviated New Drug Application No. 211500 (and defined in greater detail in the Settlement Agreement); (ii) the term “Licensed Patents” shall mean United States Patent Numbers 9,023,790 and 9,358,297; and (iii) the term “Affiliate” shall mean any entity or person that, directly or indirectly through one or

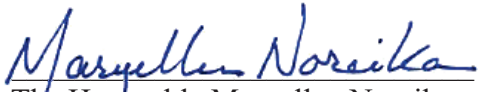
more intermediaries, controls, is controlled by, or is under common control with Mylan; for purposes of this definition, “control” means (a) ownership, directly or through one or more intermediaries, of (1) more than fifty percent (50%) of the shares of stock entitled to vote for the election of directors, in the case of a corporation, or (2) more than fifty percent (50%) of the equity interests in the case of any other type of legal entity or status as a general partner in any partnership, or (b) any other arrangement whereby an entity or person has the right to elect a majority of the Board of Directors or equivalent governing body of a corporation or other entity or the right to direct the management and policies of a corporation or other entity.

3. Unless otherwise specifically authorized pursuant to the Settlement Agreement, Mylan, including any of its Affiliates, successors and assigns, is enjoined from infringing the Licensed Patents, on its own part or through any Affiliate, by making, having made, using, selling, offering to sell, importing or distributing of the Mylan Product.

4. Compliance with this Consent Judgment may be enforced by Merck and its successors in interest, or assigns, as permitted by the terms of the Settlement Agreement.

5. This District Court retains jurisdiction to enforce or supervise performance under this Consent Judgment and the Settlement Agreement.

6. All claims, counterclaims, affirmative defenses and demands in this action are hereby dismissed with prejudice and without costs, disbursements or attorneys’ fees to any party.


The Honorable Maryellen Noreika
United States District Judge

We hereby consent to the form and entry of this Order:

/s/ Daniel M. Silver

Michael P. Kelly (#2295)
Daniel M. Silver (#4758)
Alexandra M. Joyce (#6423)
MCCARTER & ENGLISH, LLP
Renaissance Centre
405 N. King Street, 8th Floor
Wilmington, DE 19801
(302) 984-6300
mkelly@mccarter.com
dsilver@mccarter.com
ajoyce@mccarter.com

Of Counsel:

Tracey B. Davies
Mark Reiter
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, TX 75201-6912
Tel: (214) 698-3100

Josh A. Krevitt
James Barnao
Gibson Dunn & Crutcher LLP
200 Park Ave
New York, NY 10166-0193
Tel.: (212) 351-4000

David Glandorf
Gibson Dunn & Crutcher LLP
1801 California Street, Suite 4200
Denver, CO 80202-2642.
Tel.: (303) 298-5726
dglandorf@gibsondunn.com

Attorneys for Plaintiff Merck Sharp & Dohme Corp.

/s/ Bindu A. Palapura

David E. Moore (#3983)
Bindu A. Palapura (#5370)
Stephanie E. O'Byrne (#4446)
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
so Byrne@potteranderson.com

Of Counsel:

Robert L. Florence
Micheal L. Binns
Karen L. Carroll
PARKER POE ADAMS & BERNSTEIN LLP
1180 Peachtree Street, N.E.
Suite 3300
Atlanta, GA 30309
Tel: (678) 690-5749

Melanie Black Dubis
PARKER POE ADAMS & BERNSTEIN LLP
301 Fayetteville Street
Suite 1400
Raleigh, NC 27601

Tasneem A. Dharamsi
PARKER POE ADAMS & BERNSTEIN LLP
Three Wells Fargo Center
401 South Tryon Street, Suite 3000
Charlotte, NC 28202

Attorneys for Defendant Mylan Laboratories Limited